IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

FILED
June 17, 2004

No. 04-30061
Summary Calendar

JOHN HUDSON,

Plaintiff-Appellant,

VERSUS

AMERICAN ARBITRATION ASSOCIATION, INC.; BORG-WARNER PROTECTIVE SERVICES CORPORATION; BURNS INTERNATIONAL SECURITY SERVICES,

Defendants-Appellees.

Appeal from the United States District Court for
The Middle District of Louisiana
(USDC No. 03-CV-150-C)

Before REAVLEY, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:

Plaintiff John Hudson submitted his wrongful termination and defamation claims to arbitration under an agreement with his employer Borg-Warner Protective Services. The arbitrator returned a decision on April 12, 2002. Plaintiff appealed that decision on February 26, 2003. The district court dismissed his claims under FED. R. CIV. P. 12(b)(6). We affirm the district court's dismissal as the relevant statute of limitations provides only three months to appeal from arbitration orders. 9 U.S.C. § 12. As Hudson was appealing an arbitration order rather than a district court order, the district court properly applied § 12 rather that FED. R. CIV. P. 60(b).

Any equal protection claims against the district court are barred by judicial immunity. Mireless v. Waco, 502 U.S. 9, 11-12 (1991). Any equal protection claims or claims of misdeeds by the American Arbitration Association are barred by arbitral immunity. Hawkins v. Nat'l Ass'n of Sec. Dealers, Inc., 149 R.3d 330, 332 (5th Cir. 1998).

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

FILED
July 19, 2004

No. 04-30061
Summary Calendar

JOHN HUDSON,

Plaintiff-Appellant,

v.

AMERICAN ARBITRATION ASSOCIATION, INC.; BORG-WARNER PROTECTIVE SERVICES CORPORATION; BURNS INTERNATIONAL SECURITY SERVICES,

Defendants-Appellees

Appeal from the United States District Court for the Middle District of Louisiana, Baton Rouge

ON PETITION FOR REHEARING EN BANC

(Opinion 6/17/04, 5 Cir., _____, _____ F.3d _____)

Before REAVLEY, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:

(X) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. App. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

( ) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service not having voted in favor (FED. R. App. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

_____

UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED
June 17, 2004

No. 04-30061
Summary Calendar

D.C. Docket No. 03-CV-150-C

JOHN HUDSON,

Plaintiff-Appellant,

v.

AMERICAN ARBITRATION ASSOCIATION, INC.; BORG-WARNER PROTECTIVE SERVICES CORPORATION; BURNS INTERNATIONAL SECURITY SERVICES,

Defendants-Appellees

Appeal from the United States District Court for the Middle District of Louisiana, Baton Rouge

Before REAVLEY, JOLLY, and DENNIS, Circuit Judges.

JUDGMENT

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the judgment of the District Court is affirmed.

IT IS FURTHER ORDERED that plaintiff-appellant pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE: JULY 27, 2004